

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**MOHAMED ELMESHAD, individually  
and on behalf of others similarly situated,**

**Plaintiffs,**

**v.**

**GHT PETROLEUM, INC., GOLDEN TOUCH  
GAS & FOOD, INC., TARLOK SINGH,  
and HARINDER SINGH,**

**Defendants.**

:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

**07-CIV-5990  
(CLB)(LMS)**

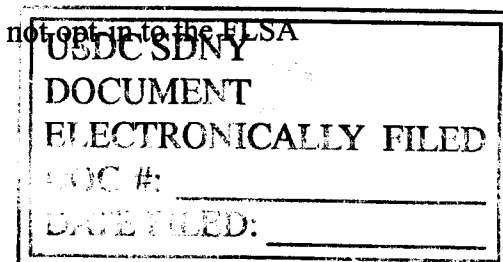
**MEMO ENDORSED**

*Proposed* **TEMPORARY RESTRAINING ORDER**

Upon consideration of plaintiff's application for a Temporary Restraining Order and the exhibits ✓  
attached thereto, it is hereby,

ORDERED, ADJUDGED, AND DECREED, that defendants and their agents are prohibited  
from:

1. Enjoin any effort by Defendants or their counsel to chill participation in this case,  
including prohibiting any further communication concerning joining the case, except as  
approved by the Court;
2. Enjoin retaliation by Defendants against any individual participating in this case;
3. Allow plaintiffs to take full and effective discovery of all participants in the defendants'  
securing of signatures on the Affidavit by deposition conducted at defendants' expense.
4. Direct prompt and hand delivered notice to all class members of the impropriety and  
invalidity of the sworn statements;
5. Equitably toll the statute of limitations for federal FLSA claims for the same amount of  
time during which individuals would have believed they could not opt-in to the FLSA  
claim.



6. Sanction the Defendants monetarily, including fine the Defendants an amount equal to what liquidated damages would have been, so that the Defendants do not achieve any of the benefit of chilling individuals from opting-in to this case;
7. Reserve the opportunity for individuals to join the case post-judgment;
8. Award Plaintiffs' costs and attorneys' fees for the time spent on this motion.

This temporary restraining order shall remain in effect until such time as it is vacated or modified by this Court.

ENTER }  
SO ORDERED }  
Dated:

~~Hon. Charles L. Bricant, U.S.D.J.~~

I decline to sign this proposed order as submitted by Partex. Plaintiffs may if so advised proceed by Notice of Motion or Order to Show Cause, supported by affidavit setting forth on personal knowledge the facts relied on to support the extraordinary relief sought.

SO ORDERED

White Plains, N.Y.  
October 30, 2007

Charles Bricant  
U.S.D.J.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**MOHAMED ELMESHAD, individually  
and on behalf of others similarly situated,**

**Plaintiffs,**

**v.**

**GHT PETROLEUM, INC., GOLDEN TOUCH  
GAS & FOOD, INC., TARLOK SINGH,  
and HARINDER SINGH,**

**Defendants.**

:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

**07-CIV-5990  
(CLB)(LMS)**

**COURT ORDERED NOTICE TO [Name of Cashier]:**

By Order of Honorable Charles L. Brieant you are hereby notified that the defendants and/or their attorneys impermissibly secured an affidavit from you. **The affidavit has absolutely no legal authority and was improperly obtained.** You are free to decide whether or not you want to participate in this action to potentially recover unpaid overtime or for minimum wage violations. The Fair Labor Standards Act protects you absolutely against retaliation by the defendants for participating in this lawsuit. You may be sent notice shortly about rights to join this case and it is your choice whether or not you join this lawsuit.

If the defendants or their attorneys communicates with you about your rights to receive overtime or minimum wage compensation or participate in this case then you should immediately notify:

Matt Dunn  
Getman Law Office  
9 Paradies Lane  
New Paltz, New York 12561

(845) 255-9370 (telephone)  
(845) 255-8649 (fax)  
[mdunn@getmanlaw.com](mailto:mdunn@getmanlaw.com)  
Attorneys for Plaintiffs

Dated:

Hon. Charles L. Brieant, U.S.D.J.